

REMARKS

Claims 23-37 are pending the application; all claims stand rejected. Applicant acknowledges the opportunity for guidance from the Examiner during a telephone interview. All claims were discussed in light of the Web Cert 2 reference and Applicant's 131 declaration; no agreement was reached.

The Examiner indicates that Applicant's 131 declaration appears to be in order in all respects except that the Examiner takes the position that Applicant has not demonstrated reasonable diligence between conception and constructive reduction to practice (filing date 6/2/99) for the critical period just before the Web Cert 2 reference date of 5/20/99 and the filing date of 6/2/99. Applicant respectfully traverses.

The Examiner indicates that what is required is a recitation in the declaration of affirmative acts that account for the alleged reasonable diligence. Applicant respectfully submits that, brief though it be, Applicant's declaration paragraph 6 does in fact recite, both explicitly and by implication, affirmative acts that account for reasonable diligence. For instance, Applicant recites "continued ironing out bugs" (also implying both continued testing and code development) and "making needed improvements" (further implying both continued testing and code development), all from a period 3/13/04 well before the reference date through 6/2/99 the filing date.

This period is so short, and during which Applicant was also busily acting as his own attorney and was preparing his patent application, which the cases also say counts toward diligence, that nothing more is required to satisfy the requirements of diligence. Applicant therefore requests reconsideration of the declaration and withdrawal of the Examiner's diligence objection thereto.

Nonetheless, and in the interest of a speedy agreement on allowable subject matter, Applicant is also submitting, contemporaneously herewith, a revised declaration containing further affirmative acts, to which is attached additional corroborative documentary evidence in the form of additional pages from the inventor's notebook(s). Applicant requests favorable consideration of the revised declaration and allowance of all claims.

WebCertificate.com 1 reference dated 12/4/98 continues to be cited, though it discloses nothing more than a bare gift certificate concept without any enablement disclosure and is missing some or all of the elements of the current claims in the case. For example, WebCertificate.com 1 fails to teach or suggest all of the limitations of independent claims 23, 29, 34 and 35. Claims 23, 29, 34 and 35, and the claims dependent on them, are therefore neither anticipated by WebCertificate.com 1 nor rendered obvious by it, either singly or in combination with any other art of record, and are therefore in condition for allowance.

Applicant believes that it has responded fully to all of the concerns expressed by the Examiner in the Office Action, and respectfully requests reexamination of all rejected claims and early favorable action on them. After next examination, Applicant requests the favor of a call to Applicant's attorney Patrick Dwyer at (206) 550-4049 to set up an Interview to expedite a definition of allowable subject matter.

Respectfully submitted,



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